

# McDermott Will & Emery

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Milan  
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.

**FACSIMILE****Date:** August 10, 2004**Time Sent:**

<b>To:</b>	<b>Company:</b>	<b>Facsimile No:</b>	<b>Telephone No:</b>
Wynette Stapor	USPTO	571-273-1626	571-272-1626
<b>From:</b>	Lorna L. Mullenax	<b>Direct Phone:</b>	202.756.8613
<b>E-Mail:</b>	lmullenax@mwe.com		
<b>Sent By:</b>		<b>Direct Phone:</b>	
<b>Client/Matter/Tkpr:</b>	57454-072	<b>Original to Follow by Mail:</b>	No
431		<b>Number of Pages, Including Cover:</b>	
<b>Re:</b>	U.S. Patent Application 09/829,046		

**Message:**

In accordance with our phone conversation, attached hereto are copies of the Petition and Decision which you indicated are not in the USPTO file. Please confirm this application is restored to pending status and the Notice of Allowance is forthcoming.

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the below address by mail. Thank you.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL AS SOON AS POSSIBLE.**

Main Facsimile: 202.756.8087 Facsimile Operator: 202.756.8080

U.S. practice conducted through McDermott Will & Emery LLP.  
600 Thirteenth Street, N.W. Washington, D.C. 20005-3096

Telephone: 202.756.8000



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No. 112403

NOV 25 2003

MCDERMOTT, WILL & EMERY  
600 13th Street, N.W.  
Washington, DC 20005-3096

RECEIVED  
DEC 03 2003

In re Application of:  
Shigeki Obayashi  
Serial No.: 09/829,046  
Filed: April 10, 2001  
Attorney Docket No.: 57454-072

MW&amp;E

DECISION ON PETITION  
TO WITHDRAW HOLDING  
OF ABANDONMENT

This is a decision on the petition filed August 22, 2003, for reconsideration of holding of abandonment. The petition has been treated as a petition to withdraw the holding of abandonment in the above-identified application under 37 CFR § 1.181. No petition fee is required.

The petition is **GRANTED**.

The application was held abandoned for failure to timely pay the required issue fee in response to the Notice of Allowance and Issue Fee Due (Notice) mailed on November 28, 2001. A Notice of Abandonment was mailed on May 01, 2002.

Petitioner asserts that the Notice mailed on November 28, 2001, was not received. To support this assertion, petitioner provided a statement attesting that a search of the file jacket and docket records showed that the Office action was not received and a copy of the file docket where the Office action would have been entered.

A review of the written record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity there is a strong presumption that the Notice was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish the failure to receive an Office action must include a statement from the practitioner stating that the practitioner did not receive the Office action and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c).

Application Serial No. 09/829,046  
Decision on Petition

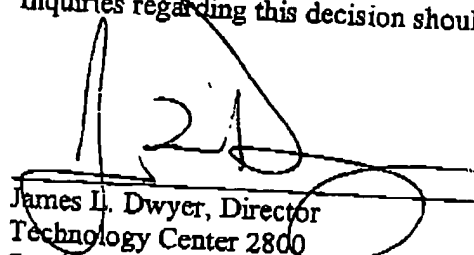
2

The petition, including the attachments, is sufficient to establish a showing of non-receipt of the Notice mailed November 28, 2001.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the Technology Center 2800 support staff for re-mailing the Notice of Allowability and the Notice of Allowance and Issue Fee Due. The shortened statutory period for response will be reset to run from the date the Notices are re-mailed. Extensions of time are not available under 37 C.F.R. § 1.136.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

  
James L. Dwyer, Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components

571  
272-1594

08/10/2004 11:24 FAX 2027568087  
10/24/03 FRI 15:18 FAX 202-756-8087

McDermott Will Emery  
MW&R WASH D.C.

004/010

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	2414
CONNECTION TEL	57454072917037468880
CONNECTION ID	
ST. TIME	10/24 15:15
USAGE T	02'18
PGS. SENT	8
RESULT	OK

DATE & TIME RECVD  
IN OFFICE SERVICES

McDermott, Will & Emery  
600 13th Street, N.W.  
Suite 1200  
Washington, D.C. 20005-3096

FACSIMILE TRANSMITTAL FORM

OUR FACSIMILE NUMBER IS: 202-756-8087  
OUR CONFIRMATION NUMBER IS: 202-756-8090

DATE: 10/24/03 NO. OF PAGES (INCLUDING COVER SHEET): 6

TO: Wynette Stapor Fax No 703-746-6880

COMPANY USPTO CLIENT NUMBER: 57454-072

FACSIMILE NUMBER:

SENDING PARTY: Lorna Mullenax DIRECT PHONE: 202-756-8613

RE: Serial No. 09/829,046

In accordance with our phone conversation of today, attached are copies of the Petition and attachments filed on August 22, 2003 and a copy of the stamped postcard.

I look forward to hearing from you regarding the Petition and Notice of Allowance.

DATE & TIME RECVD  
IN OFFICE SERVICES

McDermott, Will & Emery  
600 13th Street, N.W.  
Suite 1200  
Washington, D.C. 20005-3096

## FACSIMILE TRANSMITTAL FORM

OUR FACSIMILE NUMBER IS: 202-756-8087  
OUR CONFIRMATION NUMBER IS: 202-756-8090

DATE: 10/24/03 NO. OF PAGES (INCLUDING COVER SHEET): 6TO: Wynette Stapor Fax No 703-746-6880COMPANY USPTO CLIENT NUMBER: 57454-072

FACSIMILE NUMBER:

SENDING PARTY: Lorna Mullenax DIRECT PHONE: 202-756-8613RE: Serial No. 09/829,046

In accordance with our phone conversation of today, attached are copies of the Petition and attachments filed on August 22, 2003 and a copy of the stamped postcard.

I look forward to hearing from you regarding the Petition and Notice of Allowance.

## PLEASE NOTE:

This facsimile originates from the Washington office of McDermott, Will & Emery. If there are any problems regarding the reception of the number of pages listed above, please call our facsimile center at the following number: 202-756-8090 (M-F 7:30 a.m. to 9:00 p.m.), or the sending party at the above listed number.

THE INFORMATION CONTAINED IN THIS FAX MESSAGE AND ANY ATTACHMENTS HERETO IS INTENDED ONLY FOR THE PERSONAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND, AS SUCH, IS PRIVILEGED AND CONFIDENTIAL. IF YOU NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERY TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU FOR YOUR COOPERATION.

Applicant: Shigeki OHBAYASHI Docket No. 57454-072

Title: STATIC SEMICONDUCTOR MEMORY DEVICE HAVING T-TYPE BIT LINE STRUCTURE Serial/Reg./Patent No. 09/828,048

Date Sent: 8/22/2003 ☐ Hand Carried ☐ Fax ☐ Electronic ☐ Cert. of Mailing ☐ Express Mail No. \_\_\_\_\_

☐ Transmittal Letter

New Patent App ☐ Utility ☐ Design ☐ Cont. ☐ CIP ☐ Div. ☐ PCT ☐ RCE ☐ Prov

☐ Other: \_\_\_\_\_

\_\_\_\_\_ pages of Specification

\_\_\_\_\_ pages of Claims

\_\_\_\_\_ pages of Abstract

\_\_\_\_\_ pages of Formal/Informal Drawings

☐ Small Entity ☐ Large Entity

☐ Declaration/Power of Attorney

☐ Recordation of Assignment/Security Agreement

☐ Information Disclosure Statement

\_\_\_\_\_ Form PTO 1449

\_\_\_\_\_ copies of cited references

☐ Preliminary Amendment

☐ Response to Missing Parts Notice

☐ Resp. to Notice to Correct App. Papers

☐ Certified Copy of Priority Doc.

☐ Claim for Convention Priority

☐ Response/Amendment to Office Action of \_\_\_\_\_

☐ Request for \_\_\_\_\_ month Extension of Time

☐ Letter submitting \_\_\_\_\_ pages of drawings

☐ Req. for Approval of Drawing Amendments

☐ Req. for Oral Hearing

☐ Not. of Appeal ☐ Appeal Brief ☐ Reply Brief

☐ Rule 312 Amendment/Letter

☐ Req. for Acknowledgement of Cited Art

☐ Issue Fee

☐ Publication Fee

☐ Req. for Certificate of Correction

☐ Maintenance Fee for \_\_\_\_\_ years after grant

☐ Fee Address Indication Form \_\_\_\_\_

☐ Terminal Disclaimer

☐ Petition to Commissioner

☐ Status Inquiry

☒ Other Petition for Reconsideration of Holding of Abandonment & Attachments



Check for \$	<input type="checkbox"/> Charge Deposit Acct. 5004178	Atty Init.	GZR	Trqr. #	4234	Secy. or PL	Litho/Name
--------------	---	------------	-----	---------	------	-------------	------------

CMS Descr:

THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED.

#8

Docket No.: 57454-072

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Shigeki OHBAYASHI : **CUSTOMER NO. 20277**  
Serial No.: 09/829,046 : **Group Art Unit: 2818**  
Filed: April 10, 2001 : **Examiner: not yet assigned**  
For: **STATIC SEMICONDUCTOR MEMORY DEVICE HAVING T-TYPE BIT LINE**  
**STRUCTURE**

**PETITION FOR RECONSIDERATION OF HOLDING OF ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Abandonment received in the above-referenced application which indicates this application has been abandoned for failure to pay the Issue Fee within the statutory period of three months from the mailing date of the Notice of Allowance.

It is respectfully submitted that the Notice of Allowance was never received in our office, and therefore the Issue Fee was never processed within our docketing system.

Applicant filed a Status Inquiry on December 9, 2002. No reply was received to this inquiry. Applicant filed a Second Status Inquiry on July 15, 2003. In reply to this status inquiry a copy of the Notice of Abandonment was received on August 1, 2003.

WDC99 801699-1.057454.0072

09/829,046

The Notice of Abandonment did not indicate when the Notice of Allowance was mailed. We contacted Wynette Stapor of TC2800 and were informed the Notice of Allowance was mailed on November 28, 2001.

We conducted a thorough search of all docketing systems to determine if the Notice of Allowance was ever received. All dockets failed to indicate the Notice of Allowance was ever received. Enclosed is a copy of the automated docket of our Docketing Department and also a copy of the page from the Docket Book of our Allowed Applications Department for the due date of February 28, 2002. Each of these docket entries evidence that the Notice of Allowance was not received in our office.

It is requested that this Petition alleging non-receipt of the Notice of Allowance, be treated as a Request to Withdraw a Holding of Abandonment and the Petition Fee be refunded. It is believed that this Petition supports the revival of this application, which was abandoned unavoidably due to non-receipt of the Notice of Allowance and Issue Fee Due Notice. It is respectfully requested that the Notice of Abandonment be rescinded and the application returned to pending status and processed for issuance.

Please charge any shortage in fees due in connection with the filing of this paper, including petition and extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Gene Z. Robinson  
Registration No. 33,351

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
(202) 756-8000 GZR:llm  
Facsimile: (202) 756-8087  
Date: August 22, 2003

WDC99 801699-1.057454.0072



50th day - 308 lbs follow

ZONE DU  
THURE

28

FEBRUARY

44239-020 1F *Pineta* EJV

49657-117 IF+<sup>722</sup> ~~del~~ Fukami SAB

50013-199 1F, Pub <sup>2/22</sup> fee + <sup>2/22</sup> ~~drugs~~ <sup>016</sup> 1-14

21 1-31 58647-020 IF *Panita* MAM 3 1-35

49959-139 IF Applied Materials MAM

131 50395-051 1F Sumitomo AJS 6'10"

PA 2/27 50229-210 IF + M<sup>2</sup> 2/27 dnev. Kay RLP

PA 8/20 49657-621 IF Tukanni SAB <sup>25 9/15</sup> wants dir

12/21/01 49657-975 ✓ 7 2/21/01 Pub. 7/21/01

49657-514 IF TUKANI SAB OK 2/15

49657-916 L9 Dwg <sup>2/22</sup> P. H. L. T. <sup>2/22</sup> Zukoni SBB <sup>OK</sup>

2-13 49657-593 IF Fukami SAB 616  
2-4

202125 50100-703 W78DX<sup>2025</sup> AMD JAHAW

ACW 8-10 49657-981 1F4 Pub. Sec. Okunami SABRCE <sup>was w</sup>

63288.296 ✓7 Bell H. well w76-Jaw etc

2d 2.20 49657-821 IF + Puff <sup>2-13</sup> ~~fee~~ Truckami SAB 2-13

213 49657-997 IF & Puff <sup>213</sup> Tuckami SAB <sup>OK</sup> 2-6

7-11 49657-601 IF Tukarni SAB <sup>OK</sup> 2-13

50090-177 ✓7 2/3 Takada SAB 1-25

2/21 50432-028 IF4 ~~del~~ AMD JAH

49657-690 IF & ~~P~~<sup>2/20</sup> ~~see~~ Ankarni SAB <sup>OK 2/15</sup> ~~wanted~~ <sup>div.</sup>

44-49657-897 A & P <sup>2-19</sup> ~~Adm~~ <sup>Fuk</sup> ~~Adm~~ <sup>9m</sup> SAB <sup>OK</sup> <sup>WMS</sup> <sup>WU</sup>

43889-695 IF Tharda MEF <sup>8F</sup> 1-7

PL 50395-064 IF Summitone AJS <sup>OK letter filed</sup>  
<sub>11/2/00</sub>

57454-012 IF, <sup>2/12</sup> ~~Put~~ <sup>for</sup> Fukami SAB

57454.177 Lt 4 Pub Per 1-20 Zukani SAB OK

13 44085-149 IF, Pub/fee 245 Things to E JW

49677-070 IF NEB + <sup>2/22</sup>~~2/21~~ SAB OR 2/15  
15

43889-727 IF *Motorcycle* MEF 146  
CVD AT 8/10/2004 11:25:40 AM (Eastern Daylight Time) \* SVR:USPTO-FFYRF-3/26 \* DNIS: 2731678 \* CSID: 2027568087 \* DURATION (mm:ss): 03:06



**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☒ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☐ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**